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ALEXANDER [illegible]
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NO. 81-20

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1981

MICHAEL GUIDRY,

PETITIONER

versus

CONTINENTAL OIL COMPANY, ET AL,
RESPONDENTS

SUPPLEMENTAL PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

SUPPLEMENTAL PETITION FOR CERTIORARI

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MAY IT PLEASE THE COURT:

In the recent case of Wild vs. Lykes Brothers Steamship Corporation, 650 Fd. 2d 772, the Fifth Circuit appelate Court acknowledged that Scindia Steam Navigation Company vs. De Los Santos effected a change in the rule of law applicable in LHWCA cases. In so ruling the Court held:

> Although the Supreme Court did not overrule application of our Gay, land based, standards of negligence when analyzing LHWCA Sec. 905(b) actions, the Court's refusal to explicitly agree with either our standard or the Ninth Circuit's standard warrants our remanding this case. Because not tried under it, we are unable to say whether the same conclusion had it analyzed the case in light of Scindia. Accordingly we remand for reconsideration of the motion for summary judgment and any appropriate action resulting therefrom in light of Scindia and such other recent developments as may be found pertinent.

Petitioner's application for review should be granted and his case should be remanded to the district court for trial on the merits and to the jury.

J. MINOS SIMON
ATTY. FOR PETITIONER

CERTIFICATE OF SERVICE

I, J. Minos Simon, attorney for petitioner in the foregoing supplemental petition for writ to the United States Court of Appeals, and a member of the bar of the Supreme Court of the United States, hereby certify that on the 15th day of September, 1981, I served three copies of the foregoing petition for writ of certiorari on the following:

(1) Mr. James T. Guglielmo
Attorney at Law
119 North Court Street
Opelousas, Louisiana 70570
Attorney for Continental Oil Co.

(2) Mr. John Blackwell
Attorney at Law
420 Iberia Street
New Iberia, Louisiana 70560
Attorney for Marlin Drilling Co.

by depositing same in the United States Mail, postage prepaid, and properly addressed.

Lafayette, Louisiana, this 15th day of September, 1981.

J. MINOS SIMON